

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM ROGER CRAWFORD,

Petitioner,

No. CIV S-03-1149 LKK KJM P

vs.

TOM L. CAREY, et al.,

Respondents.

ORDER

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On July 15, 2010, the Ninth Circuit Court of Appeals remanded this 28 U.S.C. § 2254 action for this court to determine whether a certificate of appealability should issue. A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth in the magistrate judge’s August 24, 2007 findings and recommendations,

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1 petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly,  
2 a certificate of appealability should not issue in this action.

3 IT IS SO ORDERED.

4 DATED: July 26, 2010.

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8 LAWRENCE K. KARLTON  
9 SENIOR JUDGE  
10 UNITED STATES DISTRICT COURT  
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